

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12411, of Catherine Tift Porter, pursuant to Paragraph 8207.11 of the Zoning Regulations for variances to permit parking in an open court (Section 7205) and within ten (10) feet of a dwelling (Sub-section 7205.2) in the R-3 District at premises 2113 - 37th Street, N.W., Square E-1301, Lot 815.

HEARING DATE: May 17, 1977
DECISION DATE: June 7, 1977

FINDINGS OF FACT:

1. The subject property is located in the R-3 District at 2113 - 37th Street, N.W.
2. The subject property is a two-story row dwelling.
3. The property previously had a detached garage in the sideyard at the rear of the lot. The applicant converted the garage into a breakfast room and den with a fireplace and connected it to the house with an addition. This created an open court on the side of the property, in place of the side yard.
4. The applicant testified that the garage had only been used as storage rather than parking, and that the driveway had been used primarily for parking for at least the past seven (7) years.
5. The applicant proposes to locate the parking space 6 feet from the dwelling and 4 feet from the side lot line in the existing driveway. The regulations require that a parking space be located only 3 feet from a side lot line.
6. There is a six foot high brick wall which stands on the property line separating the subject property and (2115) the adjacent property. No windows are on the first floor on the adjacent property. First floor windows of the applicant's property will be screened off by a fence.

7. Several neighbors registered their support of this application.

8. There was opposition to the granting of this application, on the ground it would negatively impact the adjoining house.


CONCLUSION OF LAW AND OPINION:

The Board concludes that the requested variances are area variances, the granting of which requires the showing of a practical difficulty. The Board concludes that a practical difficulty would be created by depriving the property owner of the right to park in the proposed space, which as a practical matter has been used for parking for many years. The Board concludes that the evidence does not support any intention of adverse effect on the abutting property given the presence of the brick wall and absence of windows on the first floor. The Board concludes that there would be no adverse effect on the neighborhood, which would be benefited by continuation of one off-street parking space. It is therefore ORDERED that the application be GRANTED.

VOTE: 3-1 (Charles Norris, William F. McIntosh, Leonard L. McCants, Esq., to grant, Lilla Burt Cummings, Esq. to deny by proxy.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

14 JUL 1977

THAT THE ORDER OF THE BOARD IS VAILD FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.